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Order Filed on May 15, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

Demetris R Price and,
Constance Price,

Debtors.

Case No. 17-19502-MBK
(Chapter 13)

Judge: Michael B Kaplan

**CONDITIONAL ORDER REGARDING MOTION FOR AUTOMATIC STAY AS TO THE
2016 Nissan Altima (VIN: 1N4AL3AP4GC135389) WITH WAIVER OF F.R.B.P. RULE
4001(A)(3)**

The Relief set forth on the following pages, numbered two (2) through two (2)
is hereby **ORDERED**.

DATED: May 15, 2018


Honorable Michael B. Kaplan
United States Bankruptcy Judge

(Page 2)

Debtors: Demetris R Price and Constance Price

Case No.: 17-19502-MBK

Caption of Order: CONDITIONAL ORDER REGARDING MOTION FOR AUTOMATIC
STAY AS TO THE 2016 Nissan Altima (VIN: 1N4AL3AP4GC135389) WITH WAIVER OF
F.R.B.P. RULE 4001(A)(3)

Upon the Stipulation of JPMORGAN CHASE BANK N.A., (“Chase”) and Demetris R
Price and Constance Price (“Debtors”) under Bankruptcy Code Section 362 (d)(1) and 362 (d)(2)
for relief from the automatic stay as to a 2016 Nissan Altima (VIN: 1N4AL3AP4GC135389) and
for good cause shown and no cause to the contrary appearing;

IT IS HEREBY ORDERED that the attached Stipulation is “SO ORDERED.”

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**STIPULATION CONSENTING TO
LIFT OF STAY MOTION**

In Re:

Demetris R Price and,
Constance Price,

Debtors.

Case No. 17-19502-MBK
(Chapter 13)

Oral Argument NOT requested

WHEREAS, JPMorgan Chase Bank, N.A., (“Chase”) is a secured creditor in the above referenced matter with regard to a 2016 Nissan Altima (VIN: 1N4AL3AP4GC135389) (“Vehicle”); and

WHEREAS, Chase has a perfected lien regarding the Vehicle, which lien secures the repayment of a Retail Installment Contract entered into between Demetris Price (“Debtor”) and Chase on October 4, 2016 for the purchase of the Vehicle; and

WHEREAS, the debtor is default of the Retail Installment Contract but seeks to surrender the Vehicle and allow Chase to exercise its rights under the Retail Installment Contract and applicable, state and federal law; and

WHEREAS Chase filed a motion to Lift the Automatic Stay on or about February 20, 2018 which was made returnable on March 20, 2018 (“Motion”); and

WHEREAS, the Debtors had filed opposition to Chase's Motion on the basis that the Debtors were to cure the default and continue to make regular monthly payments outside of the plan thereafter; and

WHEREAS, upon due consideration, the Debtors have decided to voluntarily surrender the Vehicle in lieu of curing the default and continuing to make regular monthly payments outside of the plan; and

WHEREAS, the parties seek to amicably resolve this matter and have agreed to the following:

IT IS HEREBY STIPULATED AND AGREED, Debtors will surrender the Vehicle to Chase or a third party designated by Chase by May 1, 2018; and

IT IS HEREBY STIPULATED AND AGREED, that the Debtors hereby withdraw any objection to Chase's motion seeking relief of the automatic stay; and

IT IS FURTHER STIPULATED AND AGREED, that the automatic stay pursuant to 11 U.S.C. 362 with regard to the Vehicle is and will immediately be vacated upon the filing of this stipulation with the Court; and

IT IS FURTHER STIPULATED AND AGREED, upon filing of this stipulation with the Court Chase may take any action to liquidate the Vehicle and apply the proceeds to the secured debt secured by the lien on the Vehicle; and

IT IS FURTHER STIPULATED AND AGREED, the Trustee's right to surplus funds is hereby preserved, and Trustee will be given written notice of any surplus monies remaining after the sold of the Vehicle. Chase is directed to turn over surplus monies to the Trustee as property of the estate; and

IT IS FURTHER STIPULATED AND AGREED the provision of F.R.B.P. Rule 4001(a)(3) which states that this order will be effective fourteen days from the date of its entry will be waived and the order shall be effective upon its entry; and

IT IS FURTHER STIPULATED AND AGREED, that this Stipulation may be executed in multiple counterparts, each of which shall be deemed original and all of which when taken together shall constitute one and the same instrument; and

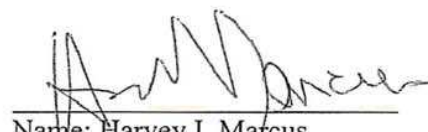
IT IS FURTHER STIPULATED AND AGREED, that electronic, copied and facsimile signatures are deemed originals for all purposes.

Dated: April 19, 2016



Aleksander Powietrzynski
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Dated: April 19, 2018



Name: Harvey I. Marcus
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Certificate of Notice Page 6 of 6
United States Bankruptcy Court
District of New Jersey

In re:
Demetris R Price
Constance Price
Debtors

Case No. 17-19502-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: May 15, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 17, 2018.
db/jdb Demetris R Price, Constance Price, 1271 S 9th St, South Plainfield, NJ 07080-1603

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 17, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 15, 2018 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Aleksander P. Powietrzynski on behalf of Creditor JPMORGAN CHASE BANK, N. A.
alex@winstonandwinston.com
Denise E. Carlon on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for
Home Equity Mortgage Loan Asset-Backed Trust, Series INABS 2005-B, Home Equity Mortgage Loan
Asset-Backed Certificates, Series INABS 2005-B dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Harvey I. Marcus on behalf of Joint Debtor Constance Price him@lawmarcus.com
Harvey I. Marcus on behalf of Debtor Demetris R Price him@lawmarcus.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6